

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ira St. Anthony Huggins, # 82687)	C.A. No. 8:05-3444-TLW-BHH
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
Charleston Police Department (Narcotics);)	
NFN Seiko, Corporal;)	
NFN Costanzo, Corporal;)	
D. Constanzo, Corporal;)	
NFN Womack, Officer;)	
NFN Jenkins, Officer; and)	
P. Tharp, Officer,)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce Howe Hendricks, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 5). In her Report, Magistrate Judge Hendricks recommends that the above-captioned case be dismissed without prejudice and without issuance and service of process. Magistrate Judge Hendricks further recommends that this dismissal be deemed a “strike” for purposes of the “three strikes” rule of 28 U.S.C. § 1915(g). The plaintiff filed no objections to the Report.¹

¹This Court notes that the Report was first sent to plaintiff at the initial address provided by plaintiff and on file with the Clerk’s office. The Report was returned as undeliverable. The Clerk’s office ascertained per the Bureau of Prisons website that plaintiff had been moved to Atlanta. Out of an abundance of caution, the Report was re-mailed and the objections deadline reset. Subsequently, plaintiff on January 20, 2006, provided the Clerk’s Office with a notice of change of address. The Report was sent to this latest address provided by plaintiff, and the objections deadline was re-set. Objections were due on February 15, 2006. No objections were filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 5), and the above-captioned case is dismissed without prejudice and without issuance and service of process. Additionally, the Report recommends that dismissal of this case be deemed a "strike" pursuant to 28 U.S.C. § 1915(g). Again, the plaintiff did not object to the dismissal being deemed a strike. Without objection, the dismissal is deemed a strike.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

April 18, 2006
Florence, South Carolina